REMARKS

[0010] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 27-37, 44-49, and 51-61 are currently pending
- No claims are canceled herein
- No claims are withdrawn herein
- Claims 27, 37, 44, 47, 49, 53, and 57 are amended herein
- No new claims are added herein

[0011] Support for the amendment to claim 44 is found in the specification at least at paragraph [0072]. Support for the amendments to claims 27, 37, 47, 49, 53 and 57 is found at least in the abstract, figure 7, and paragraphs [0074] – [0080].

Cited Documents

[0012] The following documents have been applied to reject one or more claims of the Application:

- ***Vallone***: ***Vallone, et al.***, U.S. Patent No. ***6,642,939***
- ***Vasilevsky***: ***Vasilevsky, et al.***, U.S. Patent Application Publication No. ***20050166258***

Claims 27-37, 44-49, and 51-61 Are Non-Obvious Over Vallone in view of Vasilevsky

[0013] Claims 27-37, 44-49, and 51-61 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Vallone in view of Vasilevsky. Applicant respectfully traverses the rejection.

Independent Claim 27

[0014] Applicant submits that the Office has not made a *prima facie* showing that independent claim 27 is obvious in view of the combination of Vallone and Vasilevsky. Applicant submits that the combination of Vallone and Vasilevsky does not teach or suggest at least the following features of this claim, as amended (with emphasis added):

- presenting a user interface (UI) on a multimedia presentation system at a first locus, wherein the UI comprises a display area listing a bookmark for a bookmarked multimedia program bookmarked at a second locus different from the first locus and **a listing of multiple loci within a physical environment, the listed multiple loci including at least the first locus and the second locus;**

[0015] Amended claim 27 recites in part, "a listing of multiple loci within a physical environment, the listed multiple loci including at least the first locus and the second locus." The Office cites Vasilevsky's abstract, figure 7 and paragraph [0021] as teaching this element. (Office Action, page 3.) Vasilevsky describes, "the program

"bookmark" representing the program pause point is conveniently shown via a graphical user interface display with a bookmark icon, including the name of the user who established the bookmark and the exact pause point in the program." (Vasilevsky, abstract).

[0016] In appears that the Office equates the graphical user interface display of Vasilevsky with the UI (user interface) recited in claim 27. However, claim 27 is amended to recite (in part), "a listing of multiple loci within a physical environment." Nowhere does Vasilevsky teach or suggest, "the UI comprises a display area listing ... multiple loci within a physical environment, the listed multiple loci including at least the first locus and the second locus," as claim 27 recites.

[0017] Consequently, the combination of Vallone and Vasilevsky does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 28-36

[0018] Claims 28-36 ultimately depend from independent claim 27. As discussed above, claim 27 is allowable over the cited documents. Therefore, claims 28-36 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent Claim 37

[0019] Applicant submits that the Office has not made a *prima facie* showing that independent claim 37 is obvious in view of the combination of Vallone and Vasilevsky. Applicant submits that the combination of Vallone and Vasilevsky does not teach or suggest at least the following features of this claim, as amended (with emphasis added):

- a means for presenting a user interface (UI) on a multimedia presentation system at a first locus, wherein the UI comprises a display area listing a bookmark for a bookmarked multimedia program bookmarked at a second locus different from the first locus, and **wherein the display area further comprises a listing of multiple loci within a physical environment, the listed multiple loci including at least the first locus and the second locus;**

[0020] Amended claim 37 recites in part, "wherein the display area further comprises a listing of multiple loci within a physical environment, the listed multiple loci including at least the first locus and the second locus." The Office states that, "Re claim 37, is met as previously discussed with respect to claim 27," (Office Action, page 7.) The Office cites Vasilevsky's abstract, figure 7 and paragraph [0021] as teaching this element with regards to claim 27. (Office Action, page 3.) Vasilevsky describes, "the program "bookmark" representing the program pause point is conveniently shown via a graphical user interface display with a bookmark icon, including the name of the user who

established the bookmark and the exact pause point in the program." (Vasilevsky, abstract).

[0021] In appears that the Office equates the graphical user interface display of Vasilevsky with the UI (user interface) recited in claims 27 and 37. However, claim 37 is amended to recite, "wherein the display area further comprises a listing of multiple loci within a physical environment, the listed multiple loci including at least the first locus and the second locus". Nowhere does Vasilevsky teach or suggest, "wherein the display area further comprises a listing of multiple loci within a physical environment," as claim 37 recites.

[0022] Consequently, the combination of Vallone and Vasilevsky does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Independent Claim 44

[0023] Applicant submits that the Office has not made a *prima facie* showing that independent claim 44 is obvious in view of the combination of Vallone and Vasilevsky. Applicant submits that the combination of Vallone and Vasilevsky does not teach or suggest at least the following features of this claim, as amended (with emphasis added):

- **a resumption unit configured to track a state of live content being consumed by the multimedia presentation system and the plurality of other multimedia presentation systems in the environment, the**

live content comprising both content played live and bookmarked content.

[0024] Claim 44 is amended to recite in part, "a resumption unit configured to track a state of live content being consumed by the multimedia presentation system and the plurality of other multimedia presentation systems in the environment." Claim 44 is further amended to recite in part, "the live content comprising both content played live and bookmarked content." Nowhere does either Vallone or Vasilevsky teach or suggest, "a resumption unit configured to track a state of live content being consumed," as amended claim 44 recites. Furthermore, nowhere does Vallone or Vasilevsky teach or suggest, "the live content comprising both content played live and bookmarked content," as amended claim 44 recites.

[0025] Consequently, the combination of Vallone and Vasilevsky does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 45-46

[0026] Claims 45-46 ultimately depend from independent claim 44. As discussed above, claim 44 is allowable over the cited documents. Therefore, claims 45-46 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent Claim 47

[0027] Applicant submits that the Office has not made a *prima facie* showing that independent claim 47 is obvious in view of Vasilevsky. Applicant submits that Vasilevsky does not teach or suggest at least the following features of this claim, as amended (with emphasis added):

- **presenting a graphic user interface (UI) on a multimedia presentation system at a resume location ("resume-locus system") that allows a user to select** when to resume presentation of a bookmarked multimedia program from a point of a bookmark, and **where to resume presentation of the bookmarked multimedia program, wherein the bookmark was generated at one of multiple locations within a physical environment and presented at the same or another location within the physical environment**
- presenting the selected bookmarked multimedia program from the point of the bookmark and doing so at the resume-locus system using tuner-swapping or tuner-sharing, **wherein tuner-swapping comprises exchanging of state between a source location and a destination location and includes the destination location obtaining from the source location, a media-content pause buffer attached to a tuner, and further wherein tuner-sharing comprises the source location and the destination location sharing both the tuner and the pause buffer**

[0028] Amended claim 47 recites in part, "presenting a graphic user interface (UI) on a multimedia presentation system at a resume location ("resume-locus system") that allows a user to select. . . where to resume presentation of the bookmarked multimedia program, wherein the bookmark was generated at one of multiple locations within a physical environment and presented at the same or another location within the physical environment." The Office cites Vasilevsky, [0021] as teaching this element. (Office Action, page 10.) Vasilevsky describes, "the media server is further adapted to allow a user to, from one reproduction device, place a program bookmark in a program representing a point in the program where reproduction has stopped, and from another reproduction device, resume reproduction of the program from the program bookmark," (Vasilevsky, paragraph [0021] lines 14-19).

[0029] It seems that the Office is equating "allow a user to, from one reproduction device, place a program bookmark in a program representing a point in the program where reproduction has stopped, and from another reproduction device, resume reproduction of the program from the program bookmark," as suggested by Vasilevsky in paragraph [0021], with the "where to resume presentation of the bookmarked multimedia program, wherein the bookmark was generated at one of multiple locations within a physical environment and presented at the same or another location within the physical environment," as amended claim 47 recites. However, Vasilevsky does not teach or suggest at least the portion of claim 47 reciting, "presenting a graphic user interface (UI) on a multimedia presentation system at a resume location ("resume-locus system") that allows a user to select...where to resume presentation...at the same or another locations within the environment." In reviewing the figures of Vasilevsky

pertaining to "Graphical User Interface display," namely Vasilavsky's figs. 2-7, nowhere does Vasilevsky teach or suggest, "a graphic user interface...that allows a user to select...where to resume presentation...at the same or other locations within the physical environment," as claim 47 recites.

[0030] Furthermore, claim 47 is amended to recite, "wherein tuner-swapping comprises exchanging of state between a source location and a destination location and includes the destination location obtaining from the source location, a media-content pause buffer attached to a tuner, and further wherein tuner-sharing comprises the source location and the destination location sharing both the tuner and the pause buffer." The Office cites Vallone col 16, lines 49-50 as teaching this element. Vallone describes, "the user can, at any time, access any of his bookmarks and continue viewing the program from the bookmark." (Vallone, col 16, lines 49-50).

[0031] It appears the Office equates the "tuner-swapping" and "tuner-sharing" as recited in claim 47 with the user being able to access any of his bookmarks and continue viewing the program from the bookmark. However, Vallone does not teach or suggest, "exchanging of state between a source location and a destination location," as recited by claim 47. Nor does Vallone teach or suggest, "the destination location obtaiing from the source location, a media-content pause buffer," as claim 47 recites. Furthermore, Vallone does not teach or suggest, "the source location and the destination location sharing both the tuner and pause buffer," as recited by claim 47.

[0032] Consequently, Vasilevsky does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claim 48

[0033] Claim 48 ultimately depends from independent claim 47. As discussed above, claim 47 is allowable over the cited documents. Therefore, claim 48 is also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent Claim 49

[0034] Applicant submits that the Office has not made a *prima facie* showing that independent claim 49 is obvious in view of the combination of Vallone and Vasilevsky. Applicant submits that the combination of Vallone and Vasilevsky does not teach or suggest at least the following features of this claim, as amended (with emphasis added):

- an executable process configured to stream a request for a multimedia program of the one or more multimedia programs when its associated listing ("selected listing") is selected from the listing of the bookmarks, the request is sent to a communicatively coupled multimedia server to ask the communicatively coupled multimedia server to stream the multimedia program associated with a bookmark of the selected listing from the point of the bookmark**, the executable process being further configured to perform one or more of the following operations**

when the multimedia program is determined to include live content:

tuner-swapping wherein a state of the playback of content on two systems is exchanged;

tuner-sharing wherein multiple systems playback the same shared content while maintaining an independent state;

[0035] Claim 49 recites in part, "tuner-swapping" and "tuner-sharing". The Office states that, "Re claim 49, is met as previously discussed with respect to claim 47," (Office Action, page 10.) With regards to claim 47, the Office cites Vallone col 16, lines 49-50 as teaching this element. Vallone describes, "the user can, at any time, access any of his bookmarks and continue viewing the program from the bookmark." (Vallone, col 16, lines 49-50).

[0036] It appears the Office equates the "tuner-swapping" and "tuner-sharing" as recited in claims 47 and 49 with the user being able to access any of his bookmarks and continue viewing the program from the bookmark. However, Vallone does not teach or suggest, "a state of the playback content on two systems is exchanged," as recited by claim 49. Nor does Vallone teach or suggest, "multiple systems playback the same shared content while maintaining an independent state," as claim 49 recites.

[0037] Consequently, the combination of Vallone and Vasilevsky does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 51-52

[0038] Claims 51-52 ultimately depend from independent claim 49. As discussed above, claim 49 is allowable over the cited documents. Therefore, claims 51-52 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent Claim 53

[0039] Applicant submits that the Office has not made a *prima facie* showing that independent claim 53 is obvious in view of the combination of Vallone and Vasilevsky. Applicant submits that the combination of Vallone and Vasilevsky does not teach or suggest at least the following features of this claim, as amended (with emphasis added):

- an executable process configured to stream a request for a multimedia program of the multimedia programs when its associated listing is selected ("selected listing"); the request is sent to a communicatively coupled multimedia server and asks the communicatively coupled multimedia to stream the multimedia program associated with the selected listing from the point of a bookmark associated therewith**, the executable process being further configured to perform one or more of the following operations when the multimedia program is determined to include live content:**

tuner-swapping wherein a state of the playback of content on two systems is exchanged;

tuner-sharing wherein multiple systems playback the same shared content while maintaining an independent state

[0040] Claim 53 recites in part, "tuner-swapping" and "tuner-sharing". The Office states that, "Re claim 53, is met as previously discussed with respect to claim 47," (Office Action, page 11.) With regards to claim 47, the Office cites Vallone col 16, lines 49-50 as teaching this element. Vallone describes, "the user can, at any time, access any of his bookmarks and continue viewing the program from the bookmark." (Vallone, col 16, lines 49-50).

[0041] It appears the Office equates the "tuner-swapping" and "tuner-sharing" as recited in claims 47 and 53 with the user being able to access any of his bookmarks and continue viewing the program from the bookmark. However, Vallone does not teach or suggest, "a state of the playback content on two systems is exchanged," as recited by claim 53. Nor does Vallone teach or suggest, "multiple systems playback the same shared content while maintaining an independent state," as claim 53 recites.

[0042] Consequently, the combination of Vallone and Vasilevsky does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 54-56

[0043] Claims 54-56 ultimately depend from independent claim 53. As discussed above, claim 53 is allowable over the cited documents. Therefore, claims 54-56 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent Claim 57

[0044] Applicant submits that the Office has not made a *prima facie* showing that independent claim 57 is obvious in view of the combination of Vallone and Vasilevsky. Applicant submits that the combination of Vallone and Vasilevsky does not teach or suggest at least the following features of this claim, as amended (with emphasis added):

- a first display area listing broadcast multimedia programs, wherein such listing includes one or more broadcast media programs that are bookmarked at a second locus different from the first locus**, and wherein the display area further comprises a listing of multiple loci within a physical environment, the listed multiple loci including at least the first locus and the second locus;**
- an executable process associated with the listing of each program that is configured to stream a request when its associated listing is selected, this request is sent to a communicatively coupled multimedia server and asks the communicatively coupled multimedia server to stream a multimedia program of the broadcast multimedia programs associated

with the selected listing from the point of a bookmark associated therewith, **the executable process being further configured to perform one or more of the following operations when the multimedia program is determined to include live content:**

tuner-swapping wherein a state of the playback of content on two systems is exchanged;

tuner-sharing wherein multiple systems playback the same shared content while maintaining an independent state

[0045] Amended claim 57 recites in part, "wherein the display area further comprises a listing of multiple loci within a physical environment, the listed multiple loci including at least the first locus and the second locus." The Office states that, "Re claim 57, is met as previously discussed with respect to claim 49." (Office Action, page 12.) With regards to claim 49 the Office states that, "Re claim 49, is met as previously discussed with respect to claim 47." (Office Action, page 10). So, Applicant now proceeds to the portion of the Office Action corresponding to claim 47 where the Office cites fig. 26 of Vallone as teaching this element. (Office Action, page 9). Fig. 26 of Vallone suggests, according to the Office Action page 10, "where icon representing each bookmark is displayed."

[0046] The Office seems to equate a location on a device where a bookmark is displayed with, "the display area further comprises a listing of multiple loci within a physical environment, the listed multiple loci including at least the first locus and the

second locus," as recited in claim 57. However, a location on a device is not the same as "a listing of multiple loci within a physical environment," as claim 57 recites.

[0047] Claim 57 goes on to recite in part, "tuner-swapping" and "tuner sharing". With regards to claim 57 via claim 49 via claim 47, the Office cites Vallone col 16, lines 49-50 as teaching this element. Vallone describes, "the user can, at any time, access any of his bookmarks and continue viewing the program from the bookmark." (Vallone, col 16, lines 49-50).

[0048] It appears the Office equates the "tuner-swapping" and "tuner-sharing" as recited in claims 47 and 57 with the user being able to access any of his bookmarks and continue viewing the program from the bookmark. However, Vallone does not teach or suggest, "a state of the playback content on two systems is exchanged," as recited by claim 57. Nor does Vallone teach or suggest, "multiple systems playback the same shared content while maintaining an independent state," as claim 57 recites.

[0049] Consequently, the combination of Vallone and Vasilevsky does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 58-61

[0050] Claims 58-61 ultimately depend from independent claim 57. As discussed above, claim 57 is allowable over the cited documents. Therefore, claims 58-61 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Conclusion

[0051] Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

/kaseychristie40559/ Dated: 8/04/2009

Kasey C. Christie
(kasey@leehayes.com; 509-944-4732)
Registration No. 40559